

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 28843 of 2004(H)

AGAINST THE ORDER IN I.A.217/04 IN OS 47/2000. IN
of PRINCIPAL SUB COURT, KOCHI

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PETITIONER:

N.T.XAVIER, S/O.LATE SRI.N.X.THOMAS,
PERUMBADAPPU RESIDING AT NOOTTUKATTU HOUSE,
PERUMBADAPPU, PALLURUTHY P.O. KOCHI 6.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

1. N.X.LONAPPAN, S/O.LATE N.T.XAVIER,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY
KOCHI 6.
2. N.X.JOSEPH, S/O.LATE N.T.XAVIER,
NOOTTUKATTU HOUSE, PERUMBADAPPU,
PALLURUTHY P.O. KOCHI 6.
3. N.X.JACOB, S/O.LATE N.T.XAVIER,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY,
KOCHI 6.
4. VINNY JOSEPH, D/O.LATE N.T.XAVIER,
CHAMANİYODATHU HOUSE, PUTUHUKALAVATTOM, KALOOR,
KOCHI 17.
5. N.X.PAUL, S/O.LATE N.T.XAVIER,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY P.O.
KOCHI 6.
6. N.X.CLETUS, S/O.LATE N.T.XAVIER,
B1, BHAWAN SAWAN POSLIL SCHOOL, BHATTY MINEJ,
NEW DELHI - 110 030.

7. CELINE THOMAS, D/O.N.T.THOMAS,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY P.O.
KOCHI 6.
8. MERCY ALBERT, D/O.LATE N.T.XAVIER,
KUNUKKASSERY HOUSE, PERUMANOOR, KOCHI 15.
9. N.X.VINCENT, S/O.LATE N.T.XAVIER,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY PO,
KOCHI 6.
10. N.X.THAMBI, S/O.LATE N.T.XAVIER,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY PO,
KOCHI 6.
11. ANTONY, S/O.LATE N.T.XAVIER,
ELANJIMATTOM HOUSE, KUNDANNOOR, MARADU.
12. ROSE PUSHIA JOHN, D/O.LATE N.X.THOMAS,
PACHIKKAL HOUSE, KAPPUMTHALA P.O. KOTTAYAM.
13. MARIYA DELPHIA, D/O.LATE N.X.THOMAS,
CHUNGATHU HOUSE, NILAMBUR, MALAPPURAM.
14. N.T.DENNIS, S/O.LATE N.X.THOMAS,
NOOTTUKATTU HOUSE, PERUMBADAPPU, PALLURUTHY P.O.
KOCHI 6.
15. MARIYA GORATHI, ELANJIMATTOM HOUSE,
KUNDANNOOR, MARADU.
16. MAGILINE SHEENA,ADIMURI HOUSE,
VYTTILA P.O. KOCHI19.
17. MATIN ANTONY, ELANJIMATTOM HOUSE,
KUNDANNOOR, MARADU.
18. K.T.ALBERT, KUNUKKASSERY HOUSE,
PERUMANNOOR, KOCHI 15.
19. SHYNY, KUNUKKASSERY HOUSE,
PERUMANOOR, KOCHI 15.
20. SHYJI, KUNUKKASSERY HOUSE,
PERUMANOOR, KOCHI15.
21. ESTER JOSEPH, NOOTTUKATTU HOUSE,
PERUMBADAPPU, PALLURUTHY P.O. KOCHI 6.

22. RAJAN, NOOTTUKATTU HOUSE,
PERUMBADAPPU, PALLURUTHY P.O. KOCHI 6.
23. JOSTIN, NOOTTUKATTU HOUSE,
PERUMBADAPPU, PALLURUTHY P.O. KOCHI 6.
24. ALOCIOUS, NOTTUKATTU HOUSE,
8-647A, HILLAPALACE, TRIPUNITHURA.
25. JEMMA JOSEPH, CHENNAKADAM HOUSE,
CHURCH JUNCTION, BEHIND PREMIER PRINTERS,
ANGAMALY 72.
26. TWINCY VARGHESE, NADUVATTOM,
NEELESWARAM P.O,. VIA KALADY, ERNAKULAM.
27. CLORIS CLEETUS, FLAT NO.44,
PLOT NO 14, AKAS KUNJ, SECTOR IX, ROHINI,
NEW DELHI 110 085.
28. CLOUDIN CLEETUS, FLAT NO 44, PLOT NO 14
AKAS KUNJ, SECTOR IX, ROHINI, NEW DELHI 110 085.
29. CLOUDIA CLETUS, FLAT NO.44, PLOT NO.14,
AKAS KUNJ, SECTOR IX, ROHINI, NEW DELHI 110 085.
30. CLINT CLEETUS, FLAT NO.44, PLOT NO.14,
AKAS KUNJ, SECTOR IX, ROHINI, NEW DELHI 110 085.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC.28843/04

APPENDIX

PETITIONER'S EXTS:

Ext.P1 – TRUE COPY OF I.A.NO.217/04 IN O.S.47/2000 BEFORE SUB COURT,
KOCHI.

Ext.P2 – TRUE COPY OF I.A.NO.218/04 IN O.S.47/2000 BEFORE SUB COURT,
KOCHI.

Ext.P3 – TRUE COPY OF I.A.NO.219/04 IN O.S.47/2000 BEFORE SUB COURT,
KOCHI.

Ext.P4 – TRUE COPY OF I.A.NO.220/04 IN O.S.47/2000 BEFORE SUB COURT,
KOCHI.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.28843 OF 2004
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DATED THIS THE 6TH JUNE, 2007

J U D G M E N T

In this Writ Petition under Article 227 of the Constitution, the petitioner seeks a direction for restoration of certain interlocutory applications which had been dismissed by the court below and also seeks to set aside the order dismissing the suit as against the 6th respondent-6th defendant.

2. While admitting the Writ Petition, this Court obviously noticed that the petitioner will have to impugn the orders in the I.As. and accordingly issued a direction to the court below to issue certified copies of those orders.

3. I find that process has not been remitted by the petitioner in spite of lapse of about three years. Reserving the petitioner's right to challenge the orders in I.A.Nos.217, 218, 219 and 220 of 2004 in O.S.No.47 of 2000 in appropriate proceedings on time, this Writ Petition will stand dismissed.

(PIUS C.KURIAKOSE, JUDGE)

tgl

